



# The Mining and Lands Commissioner Le Commissaire aux mines et aux terres

File No. MA 014-95

B. Goodman ) Friday, the 17th day  
Deputy Mining and Lands Commissioner ) of May, 1996.

## THE MINING ACT

### IN THE MATTER OF

An appeal from the decision of the Mining Recorder for the Southern Ontario Mining Division dated the 9th day of June, 1995, under subsection 112(3) of the **Mining Act** for the recording of Mining Claim SO-1195093, situate in the Township of Cardiff, marked as "filed only";

### B E T W E E N:

RENE DALLAIRE

Appellant

- and -

MINISTER OF NORTHERN DEVELOPMENT AND MINES

Respondent

- and -

MINISTER OF NATURAL RESOURCES

Party of the Third Part

## O R D E R

**WHEREAS THIS APPEAL** was received by this tribunal on the 21st day of June, 1995;

**AND WHEREAS** on the 17th day of November, 1995, the Respondent requested, pursuant to Section 122 of the **Mining Act**, that security for costs in the amount of \$3,000 be posted by the Appellant prior to the hearing of this matter.

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**AND WHEREAS** on the 22nd day of February, 1996, the tribunal issued to each of the parties by registered mail an Appointment For Preliminary Motion By Telephone Conference Call;

**AND WHEREAS** a hearing of the Respondent's motion was held by telephone conference call on Wednesday, the 1st day of May, 1996;

**AND WHEREAS** the Appellant did not participate in this preliminary motion, which proceeded without his participation pursuant to subsection 7(3) of the **Statutory Powers Procedure Act**;

**UPON HEARING** from John Norwood for the Respondent;

1. **THIS TRIBUNAL ORDERS** that the Respondent's motion is allowed.

2. **THIS TRIBUNAL FURTHER ORDERS THAT** security for costs in the amount of \$3,000 be filed and posted by the Appellant by the 1st day of August, 1996, or this appeal as identified in paragraph one of this Order will be dismissed.

**IT IS FURTHER DIRECTED** under section 178 of the **Mining Act**, that the Mining Recorder for the Southern Ontario Mining Division record this Order without fee.

**DATED** this 17th day of May, 1996.

Original signed by B. Goodman

B. GOODMAN  
DEPUTY MINING AND LANDS COMMISSIONER

